

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) **DIANE SELF, an individual,**)
(2) **DAVID SELF, an individual, and**)
(3) **DILLON SELF, an individual,**)

Plaintiffs,)
)
v.)
)
(1) **TRAVELERS INDEMNITY**)
COMPANY, a foreign corporation, and)
(2) **STANDARD FIRE INSURANCE**)
COMPANY, a foreign corporation,)

Defendants.)
)

CASE NO. CIV-15-351-HE

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendants Travelers Indemnity Company (“TIC”), a foreign corporation, and Standard Fire Insurance Company (“Standard Fire”), a foreign corporation, (collectively “Defendants”), file this Notice of Removal of this case from the District Court of Oklahoma County, State of Oklahoma. In support of removal, Defendants state the following:

1. On September 23, 2014 Plaintiffs Diane Self, David Self and Dillon Self (“Plaintiffs”) filed a Petition in the District Court of Oklahoma County, State of Oklahoma, captioned *Diane Self, an individual, David Self, an individual, and Dillon Self, an individual, Plaintiffs, v. Travelers Indemnity Company, a foreign corporation, Standard Fire Insurance Company, a foreign corporation, Charles Gooch, an individual, and Charles Gooch Insurance, LLC, a domestic limited liability company, Defendants*, Case Number CJ-2014-5312 (“State Court Action”). (See Original Petition, Ex. 1).

2. Defendants were served with the State Court Action on September 24, 2014. (*See* Proof of Service of Standard Fire, Ex. 2; *see* Proof of Service of TIC, Ex. 3).

3. On March 26, 2015 Plaintiffs dismissed without prejudice two of the named defendants, Oklahoma resident Charles Gooch and domestic limited liability company Charles Gooch Insurance, LLC. (*See* Dismissal Without Prejudice, Ex. 4).

4. Plaintiffs filed their First Amended Petition on March 25, 2015 omitting Charles Gooch and Charles Gooch Insurance, LLC as defendants and captioned the case as follows: *Diane Self, an individual, David Self, an individual, and Dillon Self, an individual, Plaintiffs v. Travelers Indemnity Company, a foreign corporation, and Standard Fire Insurance Company, a foreign corporation, Defendants.* (*See* First Amended Petition, Ex. 5).

5. In their First Amended Petition, Plaintiffs seek damages in excess of \$75,000.00 for their breach of contract claim against Defendants and in excess of \$75,000.00 for their bad faith claim against Defendants. (*See* First Amended Petition, ¶ 41 and ¶ 45, Ex. 5).

6. Plaintiff Diane Self is a citizen of the State of Oklahoma. (*See* First Amended Petition, ¶ 1, Ex. 5).

7. Plaintiff David Self is a citizen of the State of Oklahoma. (*See* First Amended Petition, ¶ 2, Ex. 5).

8. Plaintiff Dillon Self is a citizen of the State of Oklahoma. (*See* First Amended Petition, ¶ 3, Ex. 5).

9. Defendant TIC is a Connecticut corporation with its principal place of business in Connecticut.

10. Defendant Standard Fire is a Connecticut corporation with its principal place of business in Connecticut.

11. Because the amount in controversy exceeds \$75,000.00 exclusive of interest and costs and complete diversity now exists among the parties as of March 26, 2015 (the date Plaintiffs dismissed the non-diverse defendants from this litigation), this case is properly removed within the applicable time constraints pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

12. The United States District Court for the Western District of Oklahoma is the appropriate court for filing the instant Notice of Removal as the District Court of Oklahoma County, where the State Court Action is currently pending, is one of the counties included within this Court's federal jurisdiction.

13. Upon receiving the federally filed Notice of Removal, Defendants will file a copy of the Notice of Removal with the District Court of Oklahoma County as well as provide written notice to Plaintiffs' counsel, all in accordance with 28 U.S.C. § 1446(d).

14. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2(a), a copy of the docket sheet and a copy of documents filed and/or served in the State Court Action are attached hereto. (*See* State Court Action docket sheet, Ex. 6; Entry of Appearance of Tony Gould and Brandon Kemp, Ex. 7; Original Petition, Ex. 1; Proof of Service of Charles Gooch Insurance, Ex. 8; Proof of Service of Charles Gooch, Ex. 9; Proof of Service of Standard

Fire, Ex. 2; Proof of Service of TIC, Ex. 3; Defendants' Answer to Plaintiffs' Original Petition, Ex. 10; Answer of Defendant Charles Gooch Insurance, LLC to Plaintiffs' Original Petition, Ex. 11; Answer of Defendant Charles Gooch to Plaintiffs' Original Petition, Ex. 12; Charles Gooch and Gooch Insurance, LLC's Motion to Dismiss, Ex. 13; Plaintiffs' Response to Motion to Dismiss, Ex. 14; Charles Gooch and Gooch Insurance, LLC's Reply in Support of Motion to Dismiss, Ex. 15; Entry of Appearance of George Brown for Plaintiffs, Ex. 16; First Amended Petition, Ex. 5; Dismissal Without Prejudice of Charles Gooch and Charles Gooch Insurance, LLC, Ex. 4).

15. Under the provisions of 28 U.S.C. §§ 1332, 1441 and 1446 and all other applicable statutes, all of which Defendants have complied, this cause of action is removable to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Carolyn S. Smith
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of April, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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